

Exhibit A



DLA Piper US LLP
2000 University Avenue
East Palo Alto, California 94303-2214
www.dlapiper.com

Mark D. Fowler
mark.fowler@dlapiper.com
T 650.833.2048
F 650.687.1166

October 30, 2007
VIA E-MAIL AND U.S. MAIL

David J. Healey, Esq.
Weil, Gotshal & Manges LLP
700 Louisiana, Suite 1600
Houston, TX 77002

Re: Network Appliance, Inc. v. Sun Microsystems, Inc.
USDC Eastern District of Texas Case No. 9:07-cv-206 RHC
Sun Microsystems, Inc. v. Network Appliance, Inc.
USDC Northern District of California Case No. C 07 05488 JW

Dear David:

We are co-counsel for Sun in its litigation with NetApp. I am writing regarding the appropriate venue for the action now pending between our clients in the Eastern District of Texas. Sun proposes to transfer this action to the Northern District of California, where both of our clients are located. Please let me know whether NetApp will stipulate to the transfer. As there are no witnesses or other relevant evidence located in Texas, while most of the relevant witnesses and other evidence is located in California (and, in particular, in the Northern District of California), such a transfer is appropriate.

We hope to accomplish the transfer by stipulation with NetApp. However, if NetApp is unwilling to stipulate to the transfer, Sun intends to file a motion to transfer under section 1404. Pursuant to the Fifth Circuit's recent ruling in *In re Volkswagen of America, Inc.* (a copy of which is attached), transfer is appropriate in this case.

I look forward to receiving NetApp's response. If you believe I have overlooked any fact suggesting the Eastern District of Texas is a more convenient forum for this action, please let me know. We would like to move promptly in this matter, so please respond by November 6, 2007.

Very truly yours,

DLA Piper US LLP

A handwritten signature in black ink, appearing to read 'Mark D. Fowler'.

Mark D. Fowler
Partner

Admitted to practice in California

MDF:lpj

cc: Clyde M. Siebman, Esq.
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